

**SAN DIEGO SUPERIOR COURT**  
**MISDEMEANOR AND INFRACTION**  
**COUNTER/FAX ARRAIGNMENT CRITERIA**

1. Attorneys eligible to use these arraignment procedures must be members in good standing of the State Bar of California, whose privilege of using these arraignment procedures has not been revoked by order of the Presiding Judge for failure to comply with these criteria. The attorney shall provide his or her California State Bar number on the arraignment form in the space provided. For FAX Arraignment, the attorney MUST have an available FAX number for return information from the court.
2. Time must be waived to arraign at the counter or by FAX.
3. Cases excluded from arraignment at the counter or by FAX include:
  - Cases where the defendant is in custody;
  - Cases charging domestic violence or child abuse; and
  - Cases prosecuted by the consumer fraud or code enforcement divisions of the San Diego City Attorney's Office.
4. The court clerk shall recall any outstanding warrant on this case.
5. The counter/fax arraignment must be received on or before the date set for the arraignment in order to avoid the issuance of a warrant, the filing of failure to appear charges, and the forfeiture of bail.
6. Any cash bail or bail bond posted shall remain in full force and effect from the date of the arraignment to the next hearing. If a bail bond has been forfeited, an appearance in open court is required.
7. Discovery must have been completed, key witnesses interviewed, the case evaluated and negotiated with the District Attorney or City Attorney in the week preceding the settlement conference.

**APPLICABLE TO FAX ARRAIGNMENTS ONLY**

8. To arraign a defendant by FAX, an attorney shall use the Arraignment form, SDSC CR-141, available through the Court. The attorney shall complete all information, sign the form and transmit the form to the appropriate division. Forms received after 4:30 p.m. on any court day, or on any non-court day, will be deemed to have been received and the arraignment to have occurred at 8:30 a.m. on the next court day.
9. The attorney shall complete the information on the arraignment form IN FULL, as requested. If any information is omitted and the clerk is unable to complete the arraignment, the form will be rejected and returned by FAX to the attorney.
10. The attorney shall, by signing and submitting the FAX Arraignment form, be deemed to have made the representations, acknowledgments and agreements set forth in these criteria. By utilizing the FAX Arraignment procedure, the attorney represents:
  - That the attorney is the attorney of record and understands that the FAX arraignment constitutes a general appearance.
  - That his or her client has specifically authorized the attorney to act as the client's agent for the purpose of waiving time and receiving the hearing/pre-trial/trial hearing date.
  - The client and attorney have agreed that notice of the hearing/pre-trial hearing/trial date by FAX shall be deemed full, complete and valid notice to the client.
  - The attorney agrees that use of the FAX Arraignment constitutes a representation to the court that the attorney has specifically advised the client that failure of the client to appear timely at the hearing/pre-trial/trial date will constitute the crime of failure to appear.
  - The attorney has received permission from the prosecutor to use the FAX arraignment procedure if the case involved allegations which are handled by a special unit of the prosecutor's office.
11. ALL FAX ARRAIGNMENT FORMS MUST BE TRANSMITTED TO THE DIVISION WHERE THE DEFENDANT IS SCHEDULED TO APPEAR

Central Division – San Diego	619-531-4095 FAX	North County Division – Vista	760-940-4780 FAX
Central Division – Kearny Mesa	858-694-3592 FAX	North County Division – San Marcos	760-940-2802 FAX
East County Division – El Cajon	619-441-4040 FAX	South County Division	619-691-4864 FAX
East County Division – Ramona	760-738-2404 FAX		